

REMARKS

Claims 1-2, 5-6 and 9-14 were examined and reported in the Office Action. Claims 1-2, 5-6 and 9-14 are rejected. Claims 1, 5, 9 and 12 are amended. Claims 1-2, 5-6 and 9-14 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(e)

It is asserted in the Office Action that claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0001815 to Cui et al. ("Cui"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claimed invention relates to processing a visual signal and adapts one of or both of brightness and contrast of the visual signal based on the LCD backlight intensity information received from an end user terminal having the LCD, and transmits the adapted visual signal to the end user terminal over a network. Thus, the visual signal adapted to the LCD backlight intensity information transmitted from the end user terminal can be provided to the end user terminal, and the end user terminal can display the visual signal with undamaged quality without a function adapting the visual signal based on the changed LCD backlight intensity. This way, a user can experience a digital item having undamaged quality under low backlight intensity.

In paragraph [0021], Cui discloses adjusting backlight brightness to satisfy computer system power consumption. That is, Cui adjusts backlight brightness based on the state of a computer. Cui, however, relates to adjusting backlight brightness in a single device by the same device. Cui does not receive backlight information over a network nor transmit an adapted video signal over a network.

Therefore, since Cui does not teach, disclose or suggest all of Applicant's amended claims 1, 5, 9 and 12 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Cui. Thus, Applicant's amended claims 1, 5, 9 and 12 are not anticipated by Cui. Additionally, the claims that directly or indirectly depend on claims 1, 5, 9 and 12, namely claims 2, 6, 10 and 11, and 13 and 14, respectively, are also not anticipated by Cui for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(e) rejections for claims 1-2, 5-6 and 9-14 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-2, 5-6 and 9-14, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jean Svoboda

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